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RECEIVED GREENBERG TRAURIG, LLP 1 ATTORNEYS AT LAW 200b AUG 16 P 3: 18 **SUITE 700** 2 2375 EAST CAMELBACK ROAD PHOENIX, ARIZONA 85016 AZ CORP COMMISSION DOCUMENT CONTROL (602) 445-8000 3 Brian J. Schulman, Esq. SBN 015286 4 Attorney for Respondent Polly P. McMillan 5 6 BEFORE THE ARIZONA CORPORATION COMMISSION 7 8 Arizona Corporation Commission COMMISSIONERS DOCKETED 9 JEFF HATCH-MILLER, Chairman AUG_1-6-2006 10 WILLIAM A. MUNDELL MARC SPITZER DOCKETED BY 11 MIKE GLEASON KRISTIN K. MAYES 12 13 IN THE MATTER OF: DOCKET NO. S-20452A-06-0218 14 DAVID LEE MCMILLAN and POLLY P. POLLY P. MCMILLAN'S ANSWER 15 MCMILLAN, husband and wife CRD#1828333 16 17 Respondents. Respondent Polly P. McMillan (Ms. McMillan) hereby submits her Answer to the Notice 18 of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, For Restitution, For 19 Administrative Penalties, of Revocation, and for Other Affirmative Action (the "Notice"). 20 I. 21 **JURISDICTION** 22 1. Ms. McMillan admits the allegations in paragraph 1. 23 24 25

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II.

RESPONDENTS

- 2. Ms. McMillan, upon information and belief, affirmatively alleges that her former husband David Lee McMillan no longer resides at 217 Riverfront Drive, Bullhead City, Arizona 86442. Ms. McMillan is without sufficient information or knowledge to form a belief as to the truth or falsity of the remaining allegations in paragraph 2 and, therefore, denies the same.
- 3. Ms. McMillan admits that she resides at 233 Riverfront Drive, Bullhead City, Arizona 86442, but she denies the remaining allegations in paragraph 3.
 - 4. Ms. McMillan denies the allegation in paragraph 4.
 - 5. No response is required to paragraph 5.

III.

FACTS

- 6. Ms. McMillan is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations in paragraph 6 and, therefore, denies the same.
- 7. Ms. McMillan is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations in paragraph 7 and, therefore, denies the same.
- 8. Ms. McMillan is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations in paragraph 8 and, therefore, denies the same.
- 9 Ms. McMillan is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations in paragraph 9 and, therefore, denies the same.
- 10. Ms. McMillan is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations in paragraph 10 and, therefore, denies the same.
- 11. Ms. McMillan is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations in paragraph 11 and, therefore, denies the same.

12. Ms. McMillan is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations in paragraph 12 and, therefore, denies the same.

IV.

VIOLATION OF A.R.S. § 44-1991

(Fraud in Connection with the Offer of Sale of Securities)

- 13. Ms. McMillan is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations in paragraph 13 and, therefore, denies the same.
- 14. Ms. McMillan is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations in paragraph 14 and, therefore, denies the same.

V.

REMEDIES PURSUANT TO A.R.S. § 44-1962

(Denial, Revocation or Suspension of Registration of Salesman; Restitution, Penalties, or other Affirmative Action)

- 15. Ms. McMillan is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations in paragraph 15 and, therefore, denies the same.
 - 16. All allegations not specifically admitted to are denied.

VI.

REQUESTED RELIEF

With regard to the Division's Requested Relief, Ms. McMillan asks the Commission to deny any request that seeks to collect from Ms. McMillan's sole and separate property, including her home at 233 Riverfront Drive, Bullhead City, Arizona 86442. On June 28, 2006, Mohave County Superior Court Judge Julie S. Roth entered a Decree of Dissolution of Marriage (the "Decree") awarding Ms. McMillan the home at 233 as her sole and separate property. The Decree has been recorded, and the Division has no legal right to encumber or take any interest in the home which by judicial order is not a community asset.

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VII.

HEARING OPPORTUNITY

Ms. McMillan has requested a hearing.

AFFIRMATIVE DEFENSES

- 1. For her first affirmative defense, Ms. McMillan alleges that the Division's claims for relief against Ms. McMillan and the former marital community are barred by res judicata.
- 2. For her second affirmative defense, Ms. McMillan alleges that the Division's claims for relief against Ms. McMillan and the former marital community are barred by collateral estoppel.
- 3. For her third affirmative defense, Ms. McMillan alleges that the Division has failed to state a claim upon which relief may be granted.
- 4. For her fourth affirmative defense, Ms. McMillan alleges that her due process rights have been violated.

Dated this 16th day of August, 2006.

GREENBERG TRAURIG, LLP

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ORIGINAL and 13 copies filed with the Arizona Corporation Commission this Oday of August, 2006, to:

Docket Control 1200 West Washington Street Phoenix, Arizona 85007

	1	Copy mailed/delivered this $\frac{1}{2}$ day of August, 2006, to:				
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	3	Marc E. Stern Administrative Law Judge				
	4	Arizona Corporation Commission Hearing Division				
	5	1200 W. Washington Phoenix, AZ 85007				
	6	Daniel J. Oehler				
	7	2001 Highway 95, Suite 15 Bullhead City, AZ 86442				
	8					
	9	Pamela Johnson Arizona Corporation Commission				
	10	Securities Division				
	11	1300 W. Washington, 3 rd Floor Phoenix, AZ 85007				
	12	Matt Neubert, Director				
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